

IN THE SENATE OF THE UNITED STATES.

JANUARY 25, 1858.—Ordered to be printed.

Mr. MASON made the following

REPORT.

[To accompany Bill S. 85.]

The Committee on Foreign Relations, to whom was referred the message of the President of the United States, dated the 7th of January instant, in answer to the resolution of the Senate calling for the "correspondence, instructions, and orders to the United States naval forces on the coast of Central America, connected with the arrest of Walker and his associates, at or near the port of San Juan de Nicaragua," have had the same, with the documents accompanying, under consideration, and now report :

It appears from these documents that the President of the United States, having reason to believe that lawless men were engaged at certain points in the United States, in fitting out military expeditions against some of the republics of Central America, in violation of the laws of the country, caused the annexed circular to the civil authorities of the United States at the suspected points, to be issued by the Secretary of State in the month of September last :

NAVY DEPARTMENT, *October 2, 1857.*

SIR: I am directed by the President to transmit to you, for your guidance, the accompanying circular, which he has caused to be issued from the State Department to various civil officers.

You will regard the instructions contained in it as addressed to yourself.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Com. FREDK. CHATARD,

Commanding U. S. sloop Saratoga, Aspinwall, N. G.

[A similar letter to the above was addressed to Commander Thatcher, commanding the United States sloop Decatur, Panama, N. G., and to the commandants of the navy yards at Portsmouth, N. H., New York, Boston, Philadelphia, Norfolk, Pensacola, and San Francisco.]

DEPARTMENT OF STATE,
Washington, September 18, 1857.

SIR: From information received at this department there is reason to believe that lawless persons are now engaged within the limits of the United States in setting on foot and preparing the means for military expeditions to be carried on against the territories of Mexico, Nicaragua, and Costa Rica; republics with whom the United States are at peace; in direct violation of the sixth section of the act of Congress, approved 20th April, 1818. And, under the eighth section of the said act, it is made lawful for the President, or such person as he shall empower, to employ the land and naval forces of the United States, and the militia thereof, "for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States." I am, the refore, directed by the President to call your attention to the subject, and to urge you to use all due diligence to avail yourself of all legitimate means at your command to enforce these and all other provisions of the said act of 20th April, 1818, against those who may be found to be engaged in setting on foot or preparing military expeditions against the territories of Mexico, Costa Rica, and Nicaragua, so manifestly prejudicial to the national character and so injurious to the national interest. And you are also hereby instructed promptly to communicate to this department the earliest information you may receive relative to such expeditions.

I am, sir, your obedient servant,

LEWIS CASS.

Which circular was afterwards communicated, as instructions, to the officers commanding naval stations in the United States, and to Commander Chatard, commanding the United States ship *Saratoga*, at Aspinwall, New Granada.

Afterwards, on the 3d of October, 1857, the same circular was communicated by the Secretary of the Navy to Flag-officer H. Paulding, commanding the home squadron, then also at Aspinwall.

Subsequently, Lieutenant Almy, commanding the United States steamer *Fulton*, then lying at Washington, being ordered to proceed, with the steamer under his command, to the coast of Central America, with a view to intercept any such unlawful military expedition. In addition to the circular above cited from the State Department, was further instructed as follows:

NAVY DEPARTMENT, *October 12, 1857.*

SIR: In reply to your letter of the 7th instant, it is true that American citizens have the right to travel and go to where they please, when engaged in lawful pursuit, but not to violate the laws of their own or of any other country. They have a right to expatriate and to become citizens of any country which is willing to receive them, but not to make that right a mere cloak and cover for a warlike expedition against it or its government. Your instructions do not authorize you to act arbitrarily or upon mere suspicion. You will not seize an American vessel, or bring her into port, or use the force under your

command to prevent her landing her passengers, upon mere suspicion. You will be careful not to interfere with lawful commerce. But where you find that an American vessel is manifestly engaged in carrying on an expedition or enterprise from the territories or jurisdiction of the United States against the territories of Mexico, Nicaragua or Costa Rica, contrary to the 6th section of the act of Congress of April 20, 1818, already referred to, you will use the force under your command to prevent it, and will not permit the men or arms engaged in it, or destined for it, to be landed in any port of Mexico or Central America.

En route for Chiriqui you will touch at Mobile and New Orleans, and communicate with the United States district attorney at each of those ports.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant JOHN J. ALMY,

Commanding U. S. steamer Fulton, Washington, D. C.

It does not clearly appear whether the supplemental instructions of October the 12th to Lieutenant Almy were communicated by him to Captain Paulding and Commander Chatard or not, but inasmuch as he reported to Captain Paulding as early as the 10th day of November, on his way to Chiriqui in Costa Rica, it may be presumed they were.

And again, on the 16th of November, 1857, Captain Sands, commanding the United States steam frigate *Susquehanna* at Key West, was ordered to proceed immediately with that frigate to San Juan de Nicaragua, stopping at intermediate points on the coast, and to remain there until further orders; and for his guidance in reference to unlawful military expeditions, a copy of the same circular from the State Department was communicated to him.

Such being the measures adopted by the President to prevent the departure of any unlawful military expedition from the United States, or to intercept them should they escape from our shores, it further appears that, on the 25th of November last, William Walker, formerly (if not then) a citizen of the United States, with about one hundred and fifty-five armed followers, entered the harbor of San Juan de Nicaragua, on board a steamer called the "Fashion," and immediately landed with his men on a point of land, forming the northern and eastern boundary of said harbor, called "Punta Arenas," a short distance from the town of San Juan, which is on the opposite side of the harbor. Point Arenas your committee understand to be a part of the territory of the republic of Nicaragua, in Central America.

The manner of, and circumstances attending, the landing, are detailed in the official report thereof, made by Commander Chatard to Captain Paulding, as follows:

UNITED STATES SHIP SARATOGA,

San Juan del Norte, November 27, 1857.

SIR: I have the honor to inform you that, on the 24th instant, about 2 p. m., a steamer appeared off the harbor, and then stood off to the eastward down the coast. She came into the harbor next

morning about 7 o'clock. Her conduct of the day before made me suspect her, but my suspicions were entirely lulled when she was standing into the harbor; not more than fifteen or twenty men appeared on her deck. I expected her to anchor, but instead of that, with a full head of steam, she ran right up for the wharf of Scott's buildings. I, as well as the first lieutenant, thought it was a party sent to open the transit route. I immediately sent a boat with a lieutenant to board her, and to see what she was and to examine her papers. When he returned, he informed me that it was the steamer *Fashion*, from Mobile—papers all right, proper clearance, cargo, &c., and a number of passengers marked on the bills. The passengers proved to be Walker, with 150 men, who all landed immediately, before my boat got to them. * * * * *

He landed fifty men or more at the mouth of the *Colorado*, before he came here; they went up in boats to surprise Castillo, and to try and take possession of the steamboats there.

It further appears from the documents that when the "*Fashion*" arrived off San Juan, where the United States ship *Saratoga* was then lying, the steamer, as reported by Commander Chatard, without entering the harbor, proceeded down the coast, and did not return until the next day. It afterwards became known that the "*Fashion*" continued on her course to the mouth of the river "*Colorado*," (the southern outlet of the San Juan into the sea,) and there detached about fifty men and officers, well armed, in boats, who proceeded up that branch of the San Juan. Upon their debarkation the *Fashion* returned, as stated, to the harbor of San Juan, and landed the residue of the force on board of her, with various provisions, stores, and munitions of war, at Punta Arenas.

Information of these proceedings being communicated to Captain Paulding, on board the United States ship *Wabash*, then lying at Aspinwall, in New Granada, that officer at once proceeded with his ship to San Juan, where he arrived on the 6th of December. He found Walker with his party in camp at the place where he landed. Having displayed a large naval and military force ready for action, and sufficient to overcome any resistance that could be offered, Walker and those with him gave up their arms and surrendered to Captain Paulding on the 8th of December.

It is just to this officer that the reasons assigned by him for his conduct in this regard, and his views of the circumstances attending it, should be stated in his own language by the following extracts from his official reports to the Navy Department:

[Extract.]

FLAG-SHIP *WABASH*,
Off San Juan del Norte, December 11, 1857.

SIR: I arrived here on the 6th instant, and on the 8th, with a force from the squadron that could not be resisted by General Walker, demanded the surrender of his arms and the embarkation of himself and followers from Point Arenas.

The officers and men of his organization, together with such stores as could be received, are on board the "Saratoga," and she will sail this evening or to-morrow morning for Norfolk. I shall direct Capt. Chatard to report to the department for instructions.

In the course I have pursued I have acted from my judgment, and trust it may meet the approbation of the President.

Extract of a letter from Captain Paulding to the Secretary of the Navy, dated Flag Ship Wabash, off Aspinwall, December 15, 1857:

I could not regard Walker and his followers in any other light than as outlaws who had escaped from the vigilance of the officers of the government, and left our shores for the purpose of rapine and murder, and I saw no other way to vindicate the law and redeem the honor of our country than by disarming and sending them home.

In doing so, I am sensible of the responsibility that I have incurred, and confidently look to the government for my justification.

Regarded in its true light, the case appears to me a clear one; the points few and strong.

Walker came to Point Arenas from the United States, having, in violation of law, set on foot a military organization to make war upon a people with whom we are at peace. He landed there with armed men and munitions of war, in defiance of the guns of a ship-of-war placed there to prevent his landing.

With nothing to show that he acted by authority, he formed a camp, hoisted the Nicaraguan flag, called it the "Headquarters of the army of Nicaragua," and signed himself the commander-in-chief.

With this pretension, he claimed the right of a lawful general over all persons and things within sight of his flag. Without right or authority he landed fifty men at the mouth of the river Colorado; seized the fort of Castillo, on the San Juan, captured steamers and the goods of merchants in transit to the interior, killed men, and made prisoners of the peaceful inhabitants, sending to the harbor of San Juan del Norte some thirty or forty men, women, and children, in the steamer "Morgan."

In doing these things without the show of authority, they were guilty of rapine and murder, and must be regarded as outlaws and pirates. They can have no claim to be regarded in any other light.

Humanity, as well as law and justice and national honor, demanded the dispersion of these lawless men.

The remnant of the miserable beings who surrendered at Rivas were conveyed in this ship last summer to New York, and their sufferings are yet fresh in the memory of all on board.

Besides the sufferings that would necessarily be inflicted upon an innocent and unoffending people, these lawless followers of General Walker, misguided and deceived into a career of crime, would doubtless have perished in Central America, or their mutilated and festering bodies have been brought back to their friends at the expense of their country.

For the above reasons, which appear to my mind quite sufficient, I have disarmed and sent to the United States General William Walker and his outlawed and piratical followers for trial, or for whatever action the government, in its wisdom, may think proper to pursue.

The provisions, stores, and munitions found in Walker's camp and on the point, claimed as belonging to his party, were afterwards conveyed on board the United States ships. They consisted of provisions and stores of various kinds, and in large quantities, with arms and ammunition, and other military equipment, in amount apparently suited to the number of his men and for a military incursion.

After the arrest, Walker was allowed, at his request, to find his own way to the United States on his parol that he would deliver himself up, with a note from Captain Paulding, to the marshal of the United States at New York. This was done. The marshal conducted him to Washington, where the Secretary of State declined to interfere, or to require his further detention, and he was discharged accordingly. The residue of the party captured with him were brought to Norfolk in the *Saratoga*. The correspondence shows nothing further in relation to those men; but from other sources the committee learn that no further detention of them was authorized by the Executive, and they were allowed to leave the ship at their pleasure.

Having thus stated what are considered by the committee the material facts shown by the documents accompanying the message, so far as necessary, to show the measures adopted by the Executive to enforce the laws prohibiting "the setting on foot within the United States, and the carrying on from the territories or jurisdiction of the United States," any military expedition against nations with whom we are at peace, and the facts attending the arrival of Walker and his party at Nicaragua, their arrest within the territories of that republic by our naval forces, and their being brought back to the United States, the committee proceed next to review the policy connected therewith, and the conclusions arrived at, as the same are set forth in the message of the President.

The sixth and eighth sections of the act approved April 20, 1818, entitled "An act in addition to the act for the punishment of certain crimes against the United States," are referred to in the message and in the circular of instructions from the Department of State as conferring power on the President, and making it his duty, by the use of the public force, to prevent unlawful military expeditions, within the meaning of the act, from being "set on foot" within the United States, or from being "carried on" beyond the limits and jurisdiction of the United States. These sections, for more convenient reference, are here recited:

SEC. 6. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or State, or of any colony, district, or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.

SEC. 8. *And be it further enacted*, That in every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and

armed, or in which the force of any vessel-of-war, cruiser, or other armed vessel shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot, contrary to the provisions and prohibitions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States, as before defined; and in every case in which any process issuing out of any court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel-of-war, cruiser, or other armed vessel of any foreign prince or State, or of any colony, district, or people, or any subjects or citizens of any foreign prince or State, or of any colony, district, or people, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring the prize or prizes in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or State, or of any colony, district, or people with whom the United States are at peace.

The committee are of opinion that the last clause of section eight fully warranted the instructions given to the civil and military authorities by the circular quoted, and those to Lieutenant Almy, to prevent the landing of any unlawful military expedition from the United States in any part of Central America, so far as it imported the arrest of such expedition on the high seas and beyond the territorial jurisdiction of the country; and they are further of opinion that under the obligation of the President to "take care that the laws be faithfully executed," with the powers confided to him by this eighth section, it was incumbent on him to order the naval forces to pursue any such expedition which should leave the country, and intercept and arrest them anywhere on the high seas.

The ship which carried Walker and his party from the country was an American vessel, and cleared as such from the port of Mobile, in Alabama, under the American flag; and it is a clear principle of law, that the jurisdiction of the country to which the ship belongs, attends her on the high seas wherever she goes. In the matter of jurisdiction she is considered on the high seas as part of the territory of the country, and all on board are still within the jurisdiction of the United States.

If the person on board had, before leaving the country, committed an offence against the laws of the United States, they were, whilst under the flag of the country on the high seas, as amenable to its authority, as they were whilst in the territory of the United States. It was as fully competent to the law, to require their arrest on the high seas, as within the territory.

A question seems to have been made, however, in the present case,

whether the law of April, 1818, does authorize or direct the executive to use the public force to arrest a military expedition, (unlawful within the meaning of the act,) on the high seas after it has left the country? If it does not, a law which has remained in all its substantial provisions on the statute book for more than sixty years, intended to coerce on the part of our citizens, the observance of existing international relations, and thus to preserve the peace of the country, is so imperfect in its provisions, as to secure immunity to those who may offend against it, provided, by deception, or false and fraudulent practices, they can elude the vigilance of the police of the country, and thereby escape from its shores.

The 6th and 8th sections of the act above cited of 1818 are in the greater part literal transcripts of sections 5th and 7th, of the act of like character of June 5, 1794, the only material alteration being, that in the act of 1794 the offence is confined to setting on foot, or carrying on from the country, a military expedition against "the territory or dominions of any foreign prince or State;" whilst in the act of 1818 the words are added, "or of any colony, district, or people" with whom the United States are at peace—an enlargement, made to embrace the case of such unlawful expeditions, in aid of the revolutionists in Mexico and South America, then in arms against the Spanish dominion in those countries.

In the 6th section of the present act, [1818,] it is declared a high misdemeaner "within the territory or jurisdiction of the United States to begin, or set on foot, or prepare or provide the means for any military expedition, or enterprise, to be carried on from thence against," &c., &c. The offence is thus clearly defined: the *git* of it being the *intent* to carry on such expedition, &c., from the "territory or jurisdiction" of the United States. So long as it remained *in* the United States it would be harmless; but if begun, &c., with the *intent* to carry it on beyond the limits of the United States, the offence would be complete, though it should never have left the country.

But, as has been remarked, the law would have been singularly defective, where the end to be attained was to prevent such expeditions from *leaving the country*, if a successful escape to sea placed the offender beyond the reach of the law. On shore, he could be arrested by judicial process, calling in aid, if necessary, the *posse*; but at sea, he could only be safely pursued by the naval power. And we find, accordingly, in the 8th section, that where authority is given to the President, or such person as he shall have empowered for the purpose, to employ the land and naval forces of the United States, or the militia, to take possession of and detain any ship or vessel found in violation of the provisions of that act; or where any process issuing out of any court of the United States shall be disobeyed, or resisted, when used to carry into effect the provisions of that section, the like power (to use the land and naval forces) is given, "*also*, for the purpose of preventing the carrying on of any such expedition, &c., from the territories of the United States against the territories or dominions of any foreign prince," &c.

In the opinion of the committee, the unlawful expedition is "carried on from the territories or jurisdiction of the United States," when

it is *continued* on the high seas, on its way to its destination, and after it has left the country; and this is what the President is authorized to prevent, by the use of the naval force. The jurisdiction is clear, and the mandate is, to prevent the expedition being "carried on"—a mandate only to be obeyed by arresting the ship, with those on board, and bringing her back to answer the violated laws. The spirit of the act shows that it was the intention of the law, by the largest use of the whole public force of the United States, to put a stop to these unlawful enterprises on the part of our citizens, whilst on land, and within the ordinary jurisdiction of the country, by the army or (if the occasion required it) the militia; or, if in the harbors, bays, or rivers, the naval force. No distinction is made by the terms of the act, designating when the one arm is to be used or when the other; the character of each imports its appropriate use. But, after it was carried from the "territories or jurisdiction," it was still to be prevented. How? By means, of course, adequate to the end. By seizure at sea when carried on by sea.

In the present case, however, it appears that Walker and his followers had effected a landing on the shores of Central America, an within the territory of a foreign State, before they were arrested by Captain Paulding.

As a mere question of *lawful* authority, there can be no doubt that no arrest is lawful, unless made within the jurisdiction of the country; and as little, that this arrest was made without the jurisdiction. But the committee entirely agree with the President, that besides the United States, (the conduct of whose officer is in question,) none can take exception to the act, except the State whose jurisdiction was so invaded. Any complaint from Nicaragua of this violation of her territory should be received with due respect, and, if required, due amends should be made. But, as between the naval officer who made the arrest and his own government, whilst the committee must condemn the act as not within his instructions, and having no warrant in law, still they find everything in the attendant circumstances to show that he was actuated in what he did (using the language of the President) by "pure and patriotic motives, and in the sincere conviction that he was promoting the interests and vindicating the honor of his country."

Allowance, too, should perhaps be made, in reviewing this act, in the anomalous condition of the place where the arrest was made, and that the landing was with no hostile intent against Nicaragua. Although constituting part of the territory of Nicaragua, yet it is very certain that for any purpose of law or police the government of that State was not present. The pretension set up by Walker himself after he landed, that he was there as "commander-in-chief of the army of Nicaragua," the committee do not consider as worthy of serious criticism. Whatever right or authority he may once have had, or supposed himself to have had in the republic of Nicaragua, were at an end more than twelve months before, when he surrendered whatever authority he held and left the country.

The government *de facto* was at the time of his arrest in other hands, and so recognized by this government through an accredited minister.

Whilst, therefore, the committee would visit with no severe rebuke the act of Captain Paulding for the reasons assigned, the present is deemed a fit occasion to express, on their part, the belief that our public officers in any branch of service are best entitled to the thanks and support of the country, who, whilst keeping the most jealous guard over its interests and honor, are most careful to keep within the pale of the laws.

The documents accompanying the message show the most diligent care on the part of the President and the administration faithfully to execute the law of 1818 in the sections quoted; nor did the failure, either to have arrested the expedition of Walker before its departure, or to have intercepted it at sea, in the opinion of the committee, result from any defect in the law or in the orders and instructions issued under it.

From documents communicated by the Executive to the House of Representatives, not embraced within the call of the Senate, the following facts appear, and which the committee append for information:

The steamer "Fashion" cleared at Mobile for San Juan de Nicaragua. Her manifest showed nothing on board, but what the shipper styled an "assorted cargo," consisting of provisions, groceries, household goods, domestic cloths, farming utensils, &c.; and the written instructions to her supercargo, from the shippers, (which were among the vessel's papers,) directed him "to offer the shipment in that market for cash, or to exchange it, or any part of it, for the products of the country, at his discretion." And she was to take, in addition, such passengers as might choose to visit Central America. After the vessel left the port, and while at anchor about six miles below the town, she was again visited by an officer of the customs, and search instituted, with a view to discover whether there was anything to show that she was engaged in an unlawful voyage. His report was, "that everything on board agreed with the manifest deposited in the custom-house by the captain in clearing the vessel." No arms or munitions of war were discovered, and the passengers (some 270 in number) professed, in conversation, to be emigrants. It was not known to the collector that Walker was on board when the vessel sailed.

As arms and ammunition, in large supply, were landed *with the cargo* at the Point Arenas, it clearly appears that false manifests were used to procure the clearance of the vessel; and it also appears that false papers, in the nature of instructions to the supercargo, were exhibited to lull suspicion as to the true character of the voyage.

The first act on her arrival on the coast of Nicaragua, and before the vessel came to land, was to detach a military expedition, fully armed, in boats up the river Colorado, (one of the outlets of the San Juan,) to seize a fortification inland, and to command that river; the next, to land Walker and the residue of his party, with their arms and equipment, at Punta Arenas, who immediately raised a flag and invested himself with all the insignia of the camp.

These facts carry with them irresistibly the conclusions, first, that the expedition escaped by false and deceptive practices at the custom-house; and, second, that it was (in violation of the laws) a military

expedition begun and set on foot in the United States, to be carried on from their territory and jurisdiction.

The claim frequently made, that citizens of the United States have the full right of expatriation, (however seldom carried into practice,) is one in no manner impaired, far less forbidden, by the existing laws. Nor when the intent is *bona fide* merely to leave the country, is it a subject of inquiry, under the law, where the person is going, or with what view; and yet it will ever be found, that those whose purpose is to evade the real inhibitions of the law, always seek refuge or immunity under the pretence of emigration.

The terms of the law are too clear to be either misread or misinterpreted by innocent persons. They make it only unlawful "to begin and set on foot, or provide or prepare the means of any military expedition or enterprise, to be carried on from thence," &c.

To constitute the offence it must be shown :

1st. To be a military expedition that is designed; or,

2d. The preparation or provision of the means for a military expedition; and,

3d. That such military expedition is to be carried on from the United States against a people or nation then at peace with the United States.

Language cannot make it more plain, that any number of citizens may leave the country, singly or in bands, for any purpose under the sun, without being subject to question, provided only that they do not go as a military expedition set on foot within the United States, with intent to levy war against some foreign State.

It was by such evasions, as shown by the correspondence, that Walker sought to elude the naval forces of the United States after his landing at Punta Arenas. In his letter to Captain Paulding of the 30th of November, dated at that place, he says :

"I have the honor to inform you that I landed at this port on Wednesday last from the steamer 'Fashion,' bearing the United States flag, and sailing from the port of Mobile, Alabama. Accompanying me were a number of officers belonging to the Nicaraguan service, and some emigrants from the United States who desired to become naturalized citizens of this republic. The steamer was regularly cleared at Mobile, for the port of San Juan de Nicaragua, and it was acknowledged that her voyage was a legal one. I need not add that the President and government of the United States were fully advised of my intention to return to Nicaragua."

Thus representing himself and officers only, as in any manner connected with military life; whilst the rest of his party were termed *emigrants*, who desired to become naturalized citizens of Nicaragua, and claiming that the steamer which carried them there had been "regularly cleared at Mobile," and "it was acknowledged that her voyage was a legal one."

Compare these assertions with the false papers and deceptive practices used at the custom-house to get the vessel cleared at Mobile, above exhibited in the official letter of the collector of that port, and connect them, too, with the fact disclosed by the first action of Walker,

with his "emigrants desirous of naturalization," viz: the armed expedition detached in boats up the Colorado to seize an inland fort, and the military camp immediately established on landing, as the "head-quarters of the army" (not emigrants) "of Nicaragua."

The law of 1794, equally with that of 1818, was founded in wise policy, to preserve the peace of the country, and to maintain amity and amicable relations with foreign States. It denounces its penalties only against those, whether citizens or foreigners, who, while within its jurisdiction, abuse the protection and hospitalities of the laws by secret and unlawful practicings, to wage private war against nations with whom we are at peace, and in most cases dishonoring the American flag, used to shield them in transportation. Were such things tolerated, it would be to commit the peace of the country to every restless and turbulent adventurer who, unequal to, or disdainful of, the sober toils of peace, could find food for his ambition only in the license of the camp or in the rapine and ravages of war. It would take the affairs of government (in our foreign intercourse at least) from the hands of those to whom they are committed, by the Constitution and laws, and leave them under the control, or at the pleasure, of unknown and irresponsible agencies.

The committee, on full consideration, do not see that any amendment is required to the law of 1818, so far as power is concerned to arrest on the high seas. They find such power necessarily implied by the terms of the 8th section. But, inasmuch as that law may be made more efficient by some proper provisions for bringing offenders against it to trial, who after arrest beyond the territorial jurisdiction of the United States are brought back to the country, they report a bill for that purpose.

They recommend, in addition, the adoption of the following resolutions:

Resolved, That no further provisions of law are necessary to confer authority on the President to cause arrests and seizures to be made on the high seas for offences committed against the act entitled "An act in addition to the 'act for the punishment of certain crimes against the United States,' and to repeal the acts therein mentioned," approved April 20, 1818.

Resolved, That the place where William Walker and his followers were arrested being without the jurisdiction of the United States, their arrest was without warrant of law. But, in view of the circumstances attending it, and its result, in taking away from the territory of a State in amity with the United States American citizens who were there with hostile intent, it may not call for further censure than, as it might hereafter be drawn into precedent, if suffered to pass without remark.

IN THE SENATE OF THE UNITED STATES.

JANUARY 28, 1858.—Ordered to be printed.

AMENDMENT

Intended to be proposed by Mr. Slidell to the resolutions at the end of report (No. 20) from the Committee on Foreign Relations, made on the 25th instant, viz: add the following:

Resolved, That it is expedient that the President of the United States be authorized, during any future recess of Congress, to suspend, by proclamation, either wholly or partially, the operation of an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved April 20, 1818, and of an act entitled "An act in addition to the act for the punishment of certain crimes against the United States," approved June 5, 1794, should, in his opinion, the public interests require such total or partial suspension—such suspension not to exceed the period of twelve months; and the causes which shall have induced the President to proclaim it to be communicated to Congress immediately on its first meeting thereafter.

Resolved, That the Committee on Foreign Relations be instructed to bring in a bill in conformity with the foregoing resolution.

IN THE SENATE OF THE UNITED STATES

AMENDMENT
REPORT